

REFERENCE TITLE: payment of wages; administrative rule

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2737

Introduced by
Representatives Gallardo, Ableser, Kirkpatrick, Lujan, Sinema: Campbell
CH, Campbell CL, Farley, Lopes, Pancrazi, Prezelski, Saradnik, Schapira,
Ulmer

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING
SECTION 23-361.01; RELATING TO PAYMENT OF WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 23, chapter 2, article 7, Arizona Revised Statutes,
3 is amended by adding section 23-361.01, to read:

23-361.01. Reliance on administrative rule or regulation: applicability; definitions

A. A CERTIFIED EMPLOYER IS NOT LIABLE UNDER THIS TITLE FOR FAILING TO PAY WAGES TO A WORKER WITH A DISABILITY IF THE CERTIFIED EMPLOYER PLEADS AND PROVES THAT THE CERTIFIED EMPLOYER ACTED IN GOOD FAITH AND RELIED ON A WRITTEN ADMINISTRATIVE RULE OR REGULATION THAT WAS ISSUED BY THE COMMISSION.

B. SUBSECTION A APPLIES TO A CERTIFIED EMPLOYER EVEN IF THE WRITTEN ADMINISTRATIVE RULE OR REGULATION THAT WAS IN EFFECT AND RELIED ON BY THE CERTIFIED EMPLOYER IS SUBSEQUENTLY MODIFIED, REJECTED OR RESCINDED BY THE COMMISSION OR DETERMINED TO BE INVALID BY A COURT.

C. THIS SECTION APPLIES TO ANY ACTION OR PROCEEDING THAT IS COMMENCED ON, BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND THAT IS BASED ON ANY ACT OR OMISSION OCCURRING ON, BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

D. FOR THE PURPOSES OF THIS SECTION:

1. "CERTIFIED EMPLOYER" MEANS AN EMPLOYER THAT HAS OBTAINED A VALID SPECIAL CERTIFICATE PURSUANT TO 29 UNITED STATES CODE SECTION 214(c) THAT AUTHORIZES PAYMENT OF SPECIAL MINIMUM WAGES TO PREVENT CURTAILMENT OF OPPORTUNITIES FOR THE EMPLOYMENT OF CERTAIN PERSONS WITH DISABILITIES.

2. "WORKER WITH A DISABILITY" MEANS A WORKER AS DEFINED IN 29 CODE OF FEDERAL REGULATIONS SECTION 525.3(d).